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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/645,369	08/21/2003	John P. O'Brien	6938-0002	7454

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John C. Hilton
McCormick, Paulding & Huber LLP
CityPlace II
185 Asylum Street
Hartford, CT 06103

EXAMINER

GEHMAN, BRYON P

ART UNIT

PAPER NUMBER

3728

DATE MAILED: 08/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/645,369

Applicant(s)

O'BRIEN ET AL.

Examiner

Bryon P. Gehman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 March 2005.
2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-9 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 9/29/03, 3/4/05
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____

1. The substitute specification filed September 28, 2004 has been entered.

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-5 and 8-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 1, line 6, "in one length cord" is ungrammatical and indefinite. In line 7, "the adjacent cord length" lacks antecedent basis.

In claim 4, lines 2 and 3, "said detonating cord" lacks antecedent basis, as no cord per se is ever positively defined. Also in lines 2 and 4, "devices" lack antecedent basis for plurality.

In claim 8, lines 1-3, "defines a plurality of such channels.... segments of detonation cord" would appear redundant in view of claim 6, lines 4-5 and 9. In line 3, "said short segment" lacks antecedent basis for one segment. In line 5, "said at least two channels" lack antecedent basis.

In claims 8 and 9, lines 3, 5, 6-7 and 8 and 3, 4 and 5, respectively, "detonation cord" is indefinite as to its relation to the detonation cord already defined in claim 6, line 9. Is it the same or different?

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-3, 6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller (4,432,268) in view of Drexelius et al. (3,486,410). Claims 1-2, 6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller (4,432,268) in view of Hynes (4,527,482). Claims 1-3 and 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller (4,432,268) in view of Yunan (4,815,382). Miller discloses a detonating cord retention device comprising a block (1) of generally rectangular shape and defining an internal blast containment passageway (4, 5 or 6) and channels (2 and 3) so as to sever the cord if detonated. Drexelius et al., Hynes and Yunan each disclose a detonating cord retention device of molded polymeric material. To modify the structure of Miller employing a polymeric material as suggested by any one of Drexelius et al., Hynes and Yunan would have been obvious in order to provide the device of less expensive material previously known to be used for detonating cord retention devices.

As to claim 2, the channels of Miller are oriented along the longitudinal axis of the block.

As to claims 3 and 7, Drexelius et al. and Yunan disclose two separable segments of the device, with Yunan disclosing a hinge.

As to claim 8, Miller appears to define structure that acts in the claimed manner.

6. Claims 4-5 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claims 3 and 6 above, and further in view of Owen (4,817,787). Owen discloses foamed plastic panels (125) in a stack configuration to contain detonating cord in a series of loops in a package for shipment. To employ the device of the combination in combination with a foam panel and in a package for shipment would have been obvious in view of Owen in order to ship the detonating cord in a safe manner.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Shown are detonating cord related teachings.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bryon P. Gehman whose telephone number is (571) 272-4555. The examiner can normally be reached on Monday through Wednesday from 5:30am to 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu, can be reached on (571) 272-4562. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Bryon P. Gehman". The signature is fluid and cursive, with the first name "Bryon" being more prominent than the last name "Gehman".

Bryon P. Gehman
Primary Examiner
Art Unit 3728

BPG